



General Assembly

January Session, 2011

Raised Bill No. 6273

LCO No. 2729

02729_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING THE OFFICE OF STATE ETHICS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-80 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) There shall be an Office of State Ethics that shall be an
4 independent state agency and shall constitute a successor agency to the
5 State Ethics Commission, in accordance with the provisions of sections
6 4-38d and 4-39. Said office shall consist of an executive director,
7 general counsel, ethics enforcement officer and such other staff as
8 hired by the executive director. Within the Office of State Ethics, there
9 shall be the Citizen's Ethics Advisory Board that shall consist of nine
10 members, appointed as follows: One member shall be appointed by the
11 speaker of the House of Representatives, one member by the president
12 pro tempore of the Senate, one member by the majority leader of the
13 Senate, one member by the minority leader of the Senate, one member
14 by the majority leader of the House of Representatives, one member by
15 the minority leader of the House of Representatives, and three
16 members by the Governor. [Members] Each member of the board

17 [shall serve for four-year terms which shall commence on October 1,
 18 2005, except that members] first appointed for a term commencing on
 19 October 1, 2005, shall have the following terms: The Governor shall
 20 appoint two members for a term of three years and one member for a
 21 term of four years; the majority leader of the House of Representatives,
 22 minority leader of the House of Representatives and the speaker of the
 23 House of Representatives shall each appoint one member for a term of
 24 two years; and the president pro tempore of the Senate, the majority
 25 leader of the Senate and the minority leader of the Senate shall each
 26 appoint one member for a term of four years. The term commencing
 27 October 1, 2009, for the member appointed by the Governor and the
 28 member appointed by the president pro tempore of the Senate, shall be
 29 five years. Upon the expiration of such members' five-year terms, such
 30 members may not be reappointed. Thereafter, members shall serve for
 31 terms of four years. No individual shall be appointed to more than one
 32 four-year term as a member of the board. [, provided, members]
 33 Members may not continue in office once their term has expired and
 34 members first appointed may not be reappointed, provided they may
 35 continue to adjudicate at a hearing under subsection (b) of section 1-82
 36 that commenced during such member's term of office. No more than
 37 five members shall be members of the same political party. The
 38 members appointed by the majority leader of the Senate and the
 39 majority leader of the House of Representatives shall be selected from
 40 a list of nominees proposed by a citizen group having an interest in
 41 ethical government. The majority leader of the Senate and the majority
 42 leader of the House of Representatives shall each determine the citizen
 43 group from which each will accept such nominations. One member
 44 appointed by the Governor shall be selected from a list of nominees
 45 proposed by a citizen group having an interest in ethical government.
 46 The Governor shall determine the citizen group from which the
 47 Governor will accept such nominations.

48 (b) All members shall be electors of the state. No member shall be a
 49 state employee. No member or employee of [such] said board shall (1)
 50 hold or campaign for any public office; (2) have held public office or

51 have been a candidate for public office for a three-year period prior to
52 appointment; (3) hold office in any political party or political
53 committee or be a member of any organization or association
54 organized primarily for the purpose of influencing legislation or
55 decisions of public agencies; or (4) be an individual who is a registrant
56 as defined in [subsection (q) of] section 1-91. For purposes of this
57 subsection, "public office" does not include the offices of justice of the
58 peace or notary public.

59 (c) Any vacancy on the board shall be filled by the appointing
60 authority having the power to make the original appointment. An
61 individual selected by the appointing authority to fill a vacancy shall
62 be eligible for appointment to one full four-year term thereafter. Any
63 vacancy occurring on the board shall be filled within thirty days.

64 (d) The board shall elect a chairperson who shall, except as
65 provided in subsection (b) of section 1-82 and subsection (b) of section
66 1-93, preside at meetings of the board and a vice-chairperson to
67 preside in the absence of the chairperson. Six members of the board
68 shall constitute a quorum. Except as provided in subdivision (3) of
69 subsection (a) of section 1-81, subsections (a) and (b) of section 1-82,
70 subsection (b) of section 1-88, subdivision (5) of section 1-92,
71 subsections (a) and (b) of section 1-93 and subsection (b) of section 1-
72 99, a majority vote of the members shall be required for action of the
73 board. The chairperson or any three members may call a meeting.

74 (e) Any matter before the board, except hearings held pursuant to
75 the provisions of subsection (b) of section 1-82 or subsection (b) of
76 section 1-93, may be assigned by the board to two of its members to
77 conduct an investigation or hearing, as the case may be, to ascertain
78 the facts and report thereon to the board with a recommendation for
79 action.

80 (f) Members of the board shall be compensated at the rate of two
81 hundred dollars per day for each day they attend a meeting or hearing
82 and shall receive reimbursement for their necessary expenses incurred

83 in the discharge of their official duties.

84 (g) The board shall not be construed to be a board or commission
85 within the meaning of section 4-9a.

86 (h) The members and employees of the Citizen's Ethics Advisory
87 Board and the Office of State Ethics shall adhere to the following code
88 of ethics under which the members and employees shall: (1) Observe
89 high standards of conduct so that the integrity and independence of
90 the Citizen's Ethics Advisory Board and the Office of State Ethics may
91 be preserved; (2) respect and comply with the law and conduct
92 themselves at all times in a manner which promotes public confidence
93 in the integrity and impartiality of the board and the Office of State
94 Ethics; (3) be faithful to the law and maintain professional competence
95 in the law; (4) be unswayed by partisan interests, public clamor or fear
96 of criticism; (5) maintain order and decorum in proceedings of the
97 board and Office of State Ethics; (6) be patient, dignified and courteous
98 to all persons who appear in board or Office of State Ethics
99 proceedings and with other persons with whom the members and
100 employees deal in their official capacities; (7) refrain from making any
101 statement outside of a board or Office of State Ethics proceeding,
102 which would have a likelihood of prejudicing a board or Office of State
103 Ethics proceeding; (8) refrain from making any statement outside of a
104 board or Office of State Ethics proceeding that a reasonable person
105 would expect to be disseminated by means of public communication if
106 the member or employee should know that such statement would
107 have a likelihood of materially prejudicing or embarrassing a
108 complainant or a respondent; (9) preserve confidences of complainants
109 and respondents; (10) exercise independent professional judgment on
110 behalf of the board and Office of State Ethics; and (11) represent the
111 board and Office of State Ethics competently.

112 (i) No member or employee of the board or Office of State Ethics
113 may (1) make a contribution, as defined in section 9-601a, to any
114 [person] public official, state employee or candidate for public office

115 subject to the provisions of this part; or (2) participate in the political
116 campaign of any candidate for public office subject to the provisions of
117 this part by (A) publicly endorsing or opposing a candidate on behalf
118 of the political campaign of a candidate for public office; (B)
119 organizing, selling tickets to, promoting or actively participating in a
120 fund-raising activity of a candidate, a political party or a political
121 committee; (C) directly or indirectly soliciting, receiving, collecting,
122 handling, disbursing or accounting for contributions or other funds for
123 the political campaign of any candidate for public office; (D) soliciting
124 votes in support of or in opposition to a candidate on behalf of the
125 political campaign of any candidate for public office; and (E) providing
126 any other compensated or uncompensated services for the political
127 campaign of any candidate for public office.

128 (j) Members of the board shall recuse themselves from participating
129 in any proceeding or matter undertaken pursuant to this chapter that
130 involves the person who appointed such member to the board.

131 (k) No former member of the board may represent any business or
132 person, other than himself or herself, before the board for a period of
133 one year following the end of such former member's service on the
134 board. No business or person that appears before the board shall
135 employ or otherwise engage the services of a former member of the
136 board for a period of one year following the end of such former
137 member's service on the board.

138 (l) No member of the board may hold any other position in state
139 employment for a period of one year following the end of such
140 member's service on the board, including, but not limited to, service as
141 a member on a state board or commission, service as a judge of the
142 Superior Court or service as a state agency commissioner.

143 (m) Upon request of any aggrieved party, the board shall delay the
144 effect of any decision rendered by the board for a period not to exceed
145 more than seven days following the rendering of such decision.

146 (n) Each person appointed to the board shall sign a certification
 147 indicating that such person is aware of the provisions contained in
 148 subsections (b) and (h) to (l), inclusive, of this section. Each such
 149 person shall file such certification with the Office of State Ethics prior
 150 to taking the oath of office as a member of the board.

151 Sec. 2. Subsection (q) of section 1-84 of the general statutes is
 152 repealed and the following is substituted in lieu thereof (*Effective*
 153 *October 1, 2011*):

154 (q) No public official or state employee shall knowingly counsel,
 155 authorize or otherwise sanction action that violates any provision of
 156 this part.

157 Sec. 3. Subsection (c) of section 1-101nn of the general statutes is
 158 repealed and the following is substituted in lieu thereof (*Effective*
 159 *October 1, 2011*):

160 (c) Any person who [violates] is found in violation of any provision
 161 of this section by the Office of State Ethics pursuant to section 1-82 may
 162 be deemed a nonresponsible bidder by a state agency, board,
 163 commission or institution or quasi-public agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	1-80
Sec. 2	<i>October 1, 2011</i>	1-84(q)
Sec. 3	<i>October 1, 2011</i>	1-101nn(c)

Statement of Purpose:

To allow notaries public and justices of the peace to serve on the Citizen's Ethics Advisory Board, to stagger appointments to said board, to allow reappointments to the board, to permit members of said board to serve to adjudicate at a board hearing for a pending matter, to require prospective members of said board to certify that they are aware of the special restrictions of the Code of Ethics for Public Officials that would apply to them, to clarify that a violation of

section 1-101nn of the general statutes is grounds for being deemed a nonresponsible bidder, to limit the violation contained in section 1-84 of the general statutes to knowing violations, and to prohibit the staff and members of the Citizen's Ethics Advisory Board and the Office of State Ethics from participating in political campaigns.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]